

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 30, 2002

Regulation Package #0801-17

CDSS MANUAL LETTER NO. CCL-02-12

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 3, ADULT DAY CARE FACILITIES

**Regulation Package #0801-17****Effective 9/8/02****Sections 82001, 82061, and 82075.2**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/AdultDayCa\\_623.htm](http://www.dss.cahwnet.gov/ord/AdultDayCa_623.htm).

Pursuant to Health and Safety Code Section 1797.196, these regulations pertain to the use of Automated External Defibrillators (AEDs) in adult and elderly facilities. Presently there is no prohibition against AEDs in community care facilities. Anyone wishing to purchase an AED may do so, following federal regulations which AED vendors must provide to purchasers. The purpose of having Community Care Licensing regulations in place for adult and elderly facilities is to clarify for licensees that AEDs in facilities are permitted, and what the requirements are. The regulations will also provide guidelines to licensees for district office oversight of AEDs in facilities. It is preferable to proactively address this new technology than to have licensees trying to seek information from district offices with no regulations to guide them.

AEDs were designed to enable trained lay persons to administer an electric shock to the heart of anyone in cardiac arrest wherever an AED was located. The AED voice-prompts the user through the process of preparing to apply, and applying, electric shock. Almost anyone can quickly learn to use an AED. Cardiac arrest due to abnormal heart rhythm causes death for many thousands of Americans every year. Electric shock restores normal rhythm to the heart. If applied within a maximum of ten minutes from the beginning of the cardiac arrest, electric shock saves lives. Before the introduction of portable AEDs, paramedics and physicians were rarely able to administer electric shock within ten minutes; therefore, most victims of cardiac arrest died. Today, with the placement of AEDs in locations where groups of people gather (sports arenas, shopping malls, airports, etc.), it is possible for rescuers to apply electric shock with an AED in a shorter period of time, thus saving the lives of many more cardiac arrest victims.

These regulations were adopted on September 8, 2002 and were considered at the Department's public hearing held on April 17, 2002.

### **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-11. The latest prior manual letter containing Adult Day Care Facilities regulation changes was Manual Letter No. CCL-98-07.

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#### **Replace(s)**

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Attachments

JTP

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## ADULT DAY CARE FACILITIES

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This Users' Manual is issued as an operational tool.

This Manual contains:

- (a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- (b) Regulations adopted by other State Departments affecting CDSS programs
- (c) Statutes from appropriate Codes which govern CDSS programs
- (d) Court decisions and
- (e) Operational standards by which CDSS staff will evaluate performance within CDSS programs

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by graphic screen.

Questions relative to this Users' Manual should be directed to your usual program policy office.

**CHAPTER 3. ADULT DAY CARE FACILITIES****Article 1. General Requirements****82000 GENERAL****82000**

- (a) Adult day care facilities, as defined in Section 80001a(3), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

**82001 DEFINITIONS****82001**

For purposes of this chapter, the following definitions shall apply:

- (a) (1) through (6) Reserved
- (7) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.

NOTE: Authority cited: Sections 1502.2, 1524(e), 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1502(a)(7) and (8), 1502.2, 1503, 1503.5, 1505, 1507, 1508, 1509, 1511, 1520, 1522, 1524, 1525, 1525.5, 1526, 1527, 1530, 1530.5, 1531, 1531.1, 1533, 1534, 1536.1, 1537, 1538.5, 1550, 1551, 1556, 1569.699(a), 1797.196, and 11834.11, Health and Safety Code; Sections 5453, 5458, 11006.9, and 17736(a) and (b), Welfare and Institutions Code; and 29 CFR 1910.1030.

**Article 2. Licensing****82009 POSTING OF LICENSE****82009**

- (a) In facilities with a licensed capacity of seven or more, the license shall be posted in a prominent publicly accessible location in the facility.
- (b) In facilities with a licensed capacity of six or fewer, the license shall be retained in the facility and be available for review upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

**Article 3. Application Procedures (Reserved)****Article 4. Administrative Actions (Reserved)****Article 5. Civil Penalties (Reserved)**

**Article 6. Continuing Requirements****82061      REPORTS****82061**

- (a) Reserved
- (b) Upon the occurrence, during the hours the facility/center is providing services to the client, of any of the events specified in Section 82061(b)(1), a report shall be made to the licensing agency within the agency's next working day during its normal business hours.
  - (1) Events reported shall include the following:
    - (A) Reserved
    - (B) Reserved
    - (C) The use of an Automated External Defibrillator.
- (c) Reserved
- (d) The items specified in Sections 82061(b)(1)(C) shall also be reported to the client's authorized representative, if any.

NOTE: Authority cited: Sections 1530 and 1538.5, Health and Safety Code. Reference: Sections 1501, 1507, 1520, 1531, 1538.5, and 1797.196, Health and Safety Code.

**82064      ADMINISTRATOR - QUALIFICATIONS AND DUTIES****82064**

- (a) In addition to Section 80064, the following shall apply.
- (b) All adult day care facilities shall have an administrator.
  - (1) A licensee who is responsible for two or more adult day care facilities shall be permitted to serve as an administrator of one or more of the facilities, provided he/she meets the requirements of Section 80064 and (e) below.
- (c) The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.

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**82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)****82064**

- (d) When the administrator is absent from the facility, there shall be coverage by a substitute designated by the licensee, who meets the qualifications of Section 80065, who shall be capable of and responsible and accountable for management and administration of the facility in compliance with applicable law and regulation.
- (1) When the administrator is absent from the facility for more than 30 consecutive days, the licensee shall designate a substitute who meets the qualifications of an administrator as specified in Section 80064 and (e) below.
- (e) The administrator shall meet the requirements specified below.
- (1) The administrator of a facility with a licensed capacity of six or fewer clients shall meet the qualifications of Section 80064(a).
- (2) The administrator of a facility with a licensed capacity of seven or more clients shall have a high school education or equivalent, and shall have had at least two years experience or training in one of the following:
- (A) Care and supervision of clients in a licensed day care facility.
- (B) Care and supervision of one or more of the categories of persons to be served by the facility.
- (f) Administrators employed prior to the effective date of this section shall remain qualified provided that they have no break in employment as an adult day care facility administrator exceeding three consecutive years.

**82064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued)****82064**

(g) The administrator shall:

- (1) Provide for continuous supervision of clients.
- (2) Supervise the operation of the facility.
- (3) Comply with applicable law and regulation.
- (4) Communicate with the department as required by applicable law and regulation.
- (5) Acknowledge the receipt of any deficiency notices.
- (6) Correct any deficiencies including any that constitute immediate threats to the health and safety of clients.
- (7) Provide for program adjustments to accommodate the needs of clients.
- (8) Ensure the safety of clients who wander, have vision or hearing impairments, or have other special needs for care and supervision.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**82065 PERSONNEL REQUIREMENTS****82065**

- (a) In addition to Section 80065, the following shall apply.
- (b) The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**82068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN****82068.3**

- (a) The written Needs and Services Plan specified in Section 82068.2 must be updated as frequently as necessary to ensure its accuracy, and to document significant occurrences that result in changes in the client's physical, mental and/or social functioning.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

**82075 HEALTH-RELATED SERVICES****82075**

- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall obtain, from the client or his/her authorized representative, an authorization to secure for the client necessary emergency medical services.
- (1) Such authorization shall be maintained on file in the facility.
- (2) The licensee shall not be required to obtain such an authorization from clients who adhere to a religious faith practicing healing by prayer or other spiritual means.
- (A) Under such circumstances, the licensee shall obtain a statement from the client or his/her authorized representative which states the adherence to such religion.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

**82075.1 DAILY INSPECTION FOR ILLNESS****82075.1**

- (a) The licensee shall ensure that clients with obvious symptoms of illness are not accepted unless they are separated from other clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

**82075.2 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)****82075.2**

- (a) A licensee is permitted to maintain and operate an AED at the facility if all of the following conditions are met:
- (1) The licensee shall notify the district office in writing that an AED is in the facility and will be used in accordance with all applicable federal and other state requirements.
  - (2) The AED shall be used in accordance with all applicable federal and other state requirements.
  - (3) The licensee shall maintain at the facility the following:
    - (A) A copy of the required physician's prescription for the AED.
    - (B) A training manual from an American Heart Association- or American Red Cross-recognized AED training class.
    - (C) A log of checks of operation of the AED containing the dates checked and the name of person checking.
    - (D) A copy of a valid AED operator's certificate for any employee(s) authorized by the licensee to operate the AED. The certificate shall indicate that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross. If it does not, then other evidence indicating that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross shall be available at the facility.
    - (E) A log of quarterly proficiency demonstrations for each holder of an AED operator's certificate who is authorized by the licensee to operate the AED. The log shall contain the dates of the demonstrations and the manner of demonstration.
  - (4) A supply kit shall be maintained at the facility and be readily available for use with the AED. The kit shall contain at least the following:
    - (A) A back-up battery set.
    - (B) An extra set of pads.

**82075.2 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)****82075.2**

(Continued)

- (C) A safety razor for shaving chest hair when necessary to apply the pads.
  - (D) A cardiovascular pulmonary resuscitation barrier (a face shield or mask) for protection from transmission of infectious disease.
  - (E) Two pairs of unused medical examination gloves (latex or non-latex).
- (5) Use of an AED shall be reported as specified in Section 82061.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531, and 1797.196, Health and Safety Code.

**82076 FOOD SERVICE****82076**

- (a) In addition to Section 80076, the following shall apply.
- (b) A client in care for less than eight hours shall be provided meals and snacks so that no more than three and a half hours elapses between food service.
- (c) A client in care for a period of eight hours or longer, shall be provided a midmorning snack, lunch and a midafternoon snack.
- (d) A licensee who accepts a client at 7:00 a.m. or earlier shall include a provision in the admission agreement of that client, stating whether or not breakfast will be provided by the facility.
- (e) Clients shall be permitted to bring their own food to the facility.
  - (1) If the client brings all or part of his/her own food to the facility, the licensee shall ensure that the food service requirements specified in (b) and (c) above, are met.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

**82078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****82078**

- (a) In addition to Section 80078, the following shall apply.
  - (1) The licensee shall provide care and supervision necessary to meet the client's needs and all services specified in the admission agreement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.